

Meeting: Transport for the North Audit and Governance Committee

Subject: Virtual Participation in Meetings

Author: Manjit Dhillon

Sponsor: Julie Openshaw

Meeting Date: Thursday 16 September 2021

1. Purpose of the Report:

1.1 The purpose of this report is to update and inform Members of the arrangements for future meetings now that the legislative provisions which enabled virtual attendance at Board and Committee Meetings have come an end as from 7 May 2021, the requirement for Members to attend meetings in person has been reinstated and to seek a view on the conduct of Audit & Governance committee meetings in the short term.

2. Recommendations:

2.1 The Committee is invited:

- (i) To note the recommendations of the MWG and the Transport for the North Consultation Call and the proposed amendments to the Procedure Rules in the Constitution which are proposed to be recommended to Board on 29 September to allow Members and officers to contribute to meetings virtually as set out in Appendix 1;
- (ii) To consider how it wishes to conduct its future meetings.

3. Main Issues:

3.1 Now that the legislative provisions which enabled virtual attendance at Board and Committee meetings have come to end the requirement for Members to attend meetings in person has been re-instated. The Constitution mirrors the legal requirements and states that attendance at a Transport for the North Board or Committee Meetings has to be in person.

3.2 The holding of virtual meetings has reduced the time commitment by both Members and officers in physically attending meetings saving on the travel time. Going forward, it is likely Members will wish to continue to attend virtually. However, the decision of the High Court has ruled out virtual attendance as being a valid attendance for the purpose of quorum and there is no provision in the Constitution which

would allow Members not physically present at a meeting to take part virtually. Currently, the Transport for the North Constitution requires Members to be physically present at meetings and does not allow for anyone not physically present in the meeting to join the meeting virtually or to speak.

- 3.3 The Terms of Reference of the Audit and Governance Committee and its core functions are set out in Appendix 2. The Appendix also identifies the Committee's role as a decision maker in recommending approvals to the Board as well as its role of providing oversight, monitoring and review.
- 3.4 Therefore, where the Committee is required to make formal decisions or recommend approvals to the Board, a quorate face to face meeting is necessary.
- 3.5 The Members Working Group (MWG) was asked to consider amendments to the Constitution which would allow Members to join formal meetings (i.e. Board, Audit & Governance Committee, Rail North Committee, Scrutiny Committee and General Purposes Committee) virtually and to allow them to contribute to debate, although they would not be entitled to vote or to be counted as present for quorum purposes. At the Transport for the North Consultation Call on the 9 June it was also requested that Members should be able to put forward representations in respect of items for the agenda when they were unable to be physically present at the meeting. The MWG has recommended that virtual participation should be allowed with the agreement of the Chair and proposed amendments to the Procedure Rules in the Constitution which are proposed to be recommended for approval by Board on 29 September are set out in Appendix 1. The proposed amendments are shown in red.

4. Corporate Considerations:

4.1 *Financial and Resource Implications*

This report has no financial implications.

4.2 *Legal Implications*

The legal implications have been considered and addressed in the report.

4.3 *Risk Management and Key Issues*

There are no risks associated with the content of this report.

4.4 ***Environmental Implications***

A full impact assessment has not been carried out because it is not required for this report.

4.5 ***Equality and Diversity***

A full impact assessment has not been carried out because it is not required for this report.

4.6 ***Consultations***

A consultation has not been carried out because it is not necessary for this report.

5. Background Papers

5.1 There are no background papers to this report.

6. Appendices

6.1 Appendix 1 – Proposed amendment to the Procedure Rules in the Constitution.